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10/018,682	04/12/2002	Toshiya Hamada	275750US6PCT	2453
22850 7590 01/04/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			01/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/018,682

Applicant(s)

HAMADA ET AL.

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12-14 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12-14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/19/2001, 05/16/2005, 08/22/2007.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/26/2007 have been fully considered but they are not persuasive.

At page 11, Applicant argues that Haneda does not disclose or suggest forming files of only thumbnail data and that different types of thumbnail data are formed in different independent files.

In response, the Examiner respectfully disagrees. In column 18, lines 54-61, Haneda states that "specifically, according to the present embodiment, the images files are classified according to a prescribed album format in a fashion similar to that of a photographic album, path images representative of features particular to the classifications are formed together with files of reduced images, so-called thumbnail files, established from the image files, and then those files are recorded together with the image files onto the optical disc." As described, Haneda teaches forming plurality of image files. One of ordinary skill in the art would recognize that a file is identified by a unique file name (including the path name) and occupies a certain amount of storage area on a recording medium that is different from the areas used for other files. So each file is independent from the other at least in those two aspects. This is clearly illustrated by Haneda in Fig. 23, where each image file is identified by a unique name and stored under regions, each of which is identified by an album name. The Examiner believes the Applicant mischaracterized the teachings of Haneda disclosed in column 18, lines 51-64. In that cited reference, Haneda discloses some other data are created and recorded

together with the image data. This does not mean that the other data and the images are recorded in the same files. Further, Haneda also disclose the image files could be in JPEG format or TIFF format (column 17, lines 55-59). One of ordinary skill in the art would recognize that the files of these formats contain only image data (these data are encoded data that are used for reconstruction or decoding of the image).

At page 12, Applicant argues that Ando does not disclose or suggest "menu thumbnail file," and does not even address such a "menu thumbnail file" including only one thumbnail picture per a playlist." In response, the Examiner respectfully disagrees. While Kikuchi discloses "menu thumbnail pictures" and Haneda disclose "thumbnail image files" as described above, in column 12, lines 51-60, Ando describes a play list which contains a thumbnail pointer that indicates a thumbnail picture corresponding to the recording contents of the play list. In other words, each play list has a thumbnail picture to represent its contents. The combination of Kikuchi, Haneda, and Ando therefore discloses "menu thumbnail file including only one thumbnail picture per a playlist" as recited in the claims. One of ordinary skill in the art would recognize that using a thumbnail picture for menu display to represent a playlist is very friendly because it provides a visual and representative view of the play list's contents. This would help users recognize the contents of the play lists more easily when they are to select a play list to play.

In conclusion, the amended features do not overcome the prior art. The rejections stand as previously presented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (WO99/38167 – the English translation of which is US Patent 6,553,180 and used as reference hereinafter), Itoh et al. (US PgPub 2001/0016108), Haneda (US Patent 6,005,679), and Ando et al. (US Patent 6,215,746).

Regarding claim 1, Kikuchi et al. disclose a system for recording and playing back video data (Abstract), comprising: means for generating, from input moving picture data, a menu thumbnail picture representative of contents of said moving picture data, as first thumbnail data, ("thumbnail video encoder 58" in Fig. 40; column 35, lines 50-54; column 37, lines 43-46) and means for recording all thumbnail data, generated by said generating means as independent groups on a recording medium ("data processor 36", "disc drive 32" in Fig. 40; column 30, lines 37, lines 5-14; lines 36-40; column 40, lines 16-21; Fig. 36), wherein said thumbnail picture is selected from a picture of contents or a picture stored in an external device (column 35, lines 50-54; column 37, lines 43-46).

However, Kikuchi et al. do not disclose means for generating, from said moving picture data, a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user, as a second thumbnail data, said

menu thumbnail picture and mark thumbnail picture being generated as respective independent files of a menu thumbnail file and a mark thumbnail file; wherein said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Itoh et al. disclose means for generating, from said moving picture data, a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user ([0028], [0029], [0053], abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the generating means for generating mark thumbnail data as disclosed by Itoh et al. into the recording apparatus or system disclosed by Kikuchi et al. to enhance the user interface of the apparatus. The enhancement of the user interface is provided by two reasons: allowing users to bookmark the segments of interest so that they can easily come back and review at a later time, and providing very user-friendly bookmark mechanism so that viewers can tell which segments the bookmarks represent.

However, the proposed combination of Kikuchi et al. and Itoh et al. does not teach the generating means to generate said first and second thumbnail data as respective independent files of only respective thumbnail data; wherein said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Haneda does teach a system for arranging image data in a file by using a filing system having an image signal input to receive an image signal representative of a

frame of image, and a unit for dividing the image into blocks of data (see Abstract), and a storage unit to store the data as an independent file of only thumbnail data (column 11, lines 14-16; column 18, lines 54-61; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the image filing system taught by Haneda into the recording apparatus taught by Kikuchi et al. and Itoh et al. because Haneda's image filing system has an advantage of allowing retrieval of recorded image at high speed (column 2, line 66- column 3, line-2).

However, the proposed combination of Kikuchi et al., Itoh et al., and Haneda does not disclose said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Ando et al. disclose menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data (column 12, lines 51-60 – by definition, a playlist is a list of playable items that are arranged in a specified order and defines a playback order; hence, indicating a database of a group of playback domains of the input data; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the menu thumbnail file includes only one thumbnail picture per a playlist as disclosed by Ando et al. into the recording apparatus disclosed by Kikuchi et al., Itoh et al., and Haneda because, according to Ando et al., with Ando et

al.'s system features, functions can be quickly expanded in correspondence with advances of technologies (column 1, lines 43-55).

Regarding claim 4, Kikuchi et al. further disclose the generating means to generate management data supervising said thumbnail data with a number corresponding to the thumbnail data; thus in combination with Itoh et al., also to generate second management data supervising said second thumbnail data with a number corresponding to the second thumbnail data ("PGCN", "Time Code", and "Start Address" in Fig. 36; column 30, lines 8-14); and said recording means recording said first and second management data in said recording medium (Fig. 36; column 28, lines 7-27).

Regarding claim 5, Kikuchi et al. further disclose each management data include data specifying the format of the picture data of the thumbnail data being supervised ("Picture Size X, Y", which specifies the rectangular shape and dimension of the thumbnail shown in Fig. 36).

Regarding claim 6, Kikuchi et al. further disclose said recording means records picture data of said thumbnail picture contained in each management data in terms of a block of a preset size as a unit (in unit of 32 KB in column 28, lines 28-30; column 29, lines 39-67).

Regarding claim 7, Kikuchi et al. also disclose said recording means records the information representing the referencing destination of said first thumbnail data as a separate file on said recording medium (column 66, lines 43-52).

Regarding claim 8, Kikuchi et al. also disclose said recording means further records the information indicating the referencing destination of said thumbnail picture contained in each thumbnail data (column 66, lines 43-52).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 12, Kikuchi et al. disclose a reproducing apparatus, comprising: first readout means for reading out management data supervising picture data of a menu thumbnail picture representative of the contents of said picture data in case playback of said picture data is commanded ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 57-59); second readout means for reading out said picture data based on said management data read out by said readout means ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 60-65); third readout means for reading out picture data of another thumbnail data, and management data supervising said picture data ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 57-59, 60-65); and fourth readout means for reading out said picture data based on said management data read out from said third readout means ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 60-65).

However, Kikuchi et al. do not disclose means a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user, as a second thumbnail data, said menu thumbnail picture and mark thumbnail picture being generated as respective independent files of a menu thumbnail file and a mark thumbnail file of only respective thumbnail data; wherein said menu

thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Itoh et al. disclose a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user ([0028], [0029], [0053], abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the generating means for generating mark thumbnail data as disclosed by Itoh et al. into the recording apparatus or system disclosed by Kikuchi et al. to enhance the user interface of the apparatus. The enhancement of the user interface is provided by two reasons: allowing users to bookmark the segments of interest so that they can easily come back and review at a later time, and providing very user-friendly bookmark mechanism so that viewers can tell which segments the bookmarks represent.

However, the proposed combination of Kikuchi et al. and Itoh et al. does not teach the generating means to generate said first and second thumbnail data as respective independent files; wherein said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Haneda does teach a system for arranging image data in a file by using a filing system having an image signal input to receive an image signal representative of a frame of image, and a unit for dividing the image into blocks of data (see Abstract), and

a storage unit to store the data as an independent file of only thumbnail data (column 11, lines 14-16; column 18, lines 54-61; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the image filing system taught by Haneda into the recording apparatus taught by Kikuchi et al. and Itoh et al. because Haneda's image filing system has an advantage of allowing retrieval of recorded image at high speed (column 2, line 66- column 3, line-2).

However, the proposed combination of Kikuchi et al., Itoh et al., and Haneda does not disclose said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data.

Ando et al. disclose said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data (column 12, lines 51-60, by definition, a playlist is a list of playable items that are arranged in a specified order and defines a playback order; hence, indicating a database of a group of playback domains of the input data; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the menu thumbnail file includes only one thumbnail picture per a playlist as disclosed by Ando et al. into the recording apparatus disclosed by Kikuchi et al., Itoh et al., and Haneda because, according to Ando et al., with Ando et

al.'s system features, functions can be quickly expanded in correspondence with advances of technologies (column 1, lines 43-55).

Claim 13 is rejected for the same reason as discussed in claim 12 above.

Claim 14 is rejected for the same reason, as discussed in claim 12 above.

Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (WO99/38167 – the English translation of which is US Patent 6,553,180 and used as reference hereinafter), Itoh et al. (US Pg-Pub 2001/0016108), Haneda (US Patent 6,005,679), and Ando et al. (US Patent 6,215,746) as applied to claims 1, 4-10, and 12-14 as discussed above, and further in view of Srinivasan et al. (US Patent 6,357,042).

Regarding claim 17, see the teachings of Kikuchi et al., Itoh et al., Haneda, and Ando et al. as discussed in claim 1 above. In addition, Kikuchi et al. also disclose said menu thumbnail picture is representative of contents of a playlist in the moving picture data (column 2, lines 23-41). However, the proposed combination of Kikuchi et al., Itoh et al., Haneda, and Ando et al. does not disclose said mark thumbnail picture is used in a submenu for representing details of the playlist.

Srinivasan et al. disclose mark thumbnail picture is used in a submenu for representing details of contents (Fig. 14; Fig. 15; column 23, lines 37-43; column 25, line 29 – column 26, line 2).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the use of mark thumbnail picture in a submenu for representing details of contents as disclosed by Srinivasan et al. into playlist and the

apparatus disclosed by Kikuchi et al., Itoh et al., Haneda, and Ando et al. to enhance the user interface of the apparatus.

Claim 18 is rejected for the same reason as discussed in claim 17 above.

Claim 19 is rejected for the same reason as discussed in claim 17 above.

Claim 20 is rejected for the same reason as discussed in claim 17 above.

Claim 21 is rejected for the same reason as discussed in claim 17 above.

Claim 22 is rejected for the same reason as discussed in claim 17 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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